

**CHAPTER 7 – CASE RECORDS INFORMATION**  
**ARTICLE 10 — LEGAL STATUS INFORMATION**

*REVISED JUNE 15, 1995*

*UPDATED FEBRUARY 16, 2008*

**[Sections 73010.1 through 73010.3 are unchanged]**

**73010.4 Preparation and Audit Requirements**

Legal status information shall be assembled and prepared on all newly arrived inmates by the reception center case records staff.

**Case Records Specialists (CRS)**

Legal data used in the preparation of the CDC Form 188, Legal Status Summary, shall be audited by CRSs. They shall:

**Review**

- Review, compare, and analyze all available legal documents, such as: Abstracts of Judgment, Minute Orders, transcripts of proceedings at time of sentencing, charging documents, appellate court opinions, remittiturs, and other court orders to ensure accuracy, compatibility, and intent of the sentencing court.

**Determine**

- Determine sentence case relationship and appropriate application of credit for entry into OBIS and preparation of the Legal Status Summary.

**Request**

- Request missing documents, necessary to complete the legal portion of the case summary, from the county clerk's office. Requests for proceedings at time of sentencing should not be made until the third or fourth week after the inmate's arrival to permit routine transcribing and mailing by the courts. PC 1203.01 statements shall be requested from the court of commitment for cases not referred to the probation department.
  - Occasionally, an inmate may transfer from the reception center prior to receipt of documents and completion of the legal section. The receiving facility specialist shall ensure all pertinent documents/corrections are subsequently received and processed, and that amendments to the legal status summary are made.

**Forward**

- Forward to the Health Care Manager a weekly list of those inmates who are required to provide blood and saliva samples pursuant to PC 290.2. Such samples shall be collected as soon as possible after the inmate leaves the reception center.

**Review**

- Review all computer generated Legal Status Summary Sheets and commitment documents for data entry error.

**Correct**

- Correct Legal Status Summary Sheets which are discrepant due to the lack of computer program edits, e.g., consecutive sex offenses, by causing a manual (M) calculation entry of the data. Cases discrepant due to an error in sentencing shall remain discrepant in OBIS until an amended document is received.

**Refer**

- Refer discrepant cases which require communication to the trial court to the LPU for resolution. Referrals shall include an analysis of the case factors and photocopies of complete court documents necessary for the unit to communicate with the court.
  - Copies of any amended/new legal documents subsequently received on discrepant cases shall be forwarded to LPU following correction of, or addition to, the legal status summary.

**Determine**

- Determine statutorily required reports, referrals, notices, and registration requirements. Make appropriate entries on the CDC Form 112; CDC Form 144, Control Card, and cause entry into OBIS, as program edits allows, for:
  - Arson offenses, as specified in PC 457.1 and 11150.
  - Sex offenses, as specified in PC 290.
  - Controlled substance offenses, as specified in H&SC 11590.
  - Reports to the court, as specified in PC 1170(d).
  - Notices, as specified in PC 3058.6 and 3058.8.

**Edit Error PC 457.1**

OBIS programming for entry on the Legal Status Summary is available only for PC 290, 1170(d), and 11150 and H&SC 11590 requirements. Due to a program edit error, PC 457.1 shall be indicated on the Legal Status Summary as PC 11150 and, unless registration is ordered by the court and reflected on the commitment document(s), the entry shall be modified manually to read "Notification required per PC 11150."

**Continue To Audit**

Facility/region specialists shall continue to audit legal status information, and make necessary records/corrections/amendments. They shall:

**Time Cards**

- Audit inmate time cards for recorded work credit.
  - Minimum met bubbled on the scannable time card is a combination of actual time worked, ETO, and security time for both fulltime and halftime assignments.

**Holiday Credit**

- Holiday credit shall be granted for all State holidays in the appropriate credit earning status for inmates in credit qualifying groups. Holiday credit shall be automatically posted to OBIS from scanned time cards.

**ETO**

- An inmate assigned for a minimum of 20 days in any month shall earn 16 hours of ETO in full-time assignments and 8 hours in half-time assignments for each month. An additional 8 hours of credit for full-time and 4 hours of credit for half-time shall be granted for any time actually worked on any State holiday. A maximum of 192 hours for full-time and 96 hours for half-time may be accrued. ETO shall be used in increments of 2 hours. ETO used in excess of ETO earned shall be recorded as an absence.

**Review**

- Review recording of all other worktime documentation including CDC Form 115, Rule Violation Reports; CDC Form 128-G, classification actions; general and medical chronos; and computer entries of credit gains, losses, restorations, and dead time.

**Calculate**

- Make appropriate calculations and recordings of BPH decisions.

**Respond**

- Respond to inquiries from inmates and answer inmate appeals on legal status issues.

**Record**

- Make proper recordings of all actions/decisions affecting an inmate's legal status on the CDC Form 112.

**Disposition**

- Determine disposition of Holds/Wants/Detainers and take appropriate action for resolution.

**73010.4.1 Audit Schedule**

Periodic audits of the C-File shall be made by CRSs. Audits which include all requirements previously listed in this section shall occur whenever the following exist:

- Upon initial intake at any receiving facility.
- Sixty days prior to an inmate's scheduled parole/release date.
- Ten days prior to an inmate's scheduled parole/release date.
- Upon receipt of an additional commitment following initial intake.
- Upon transfer to facilitate federal deportation.
- Every 30 days beginning 9 months prior to release on notorious or special interest cases.

**Prior to Transfer**

An audit prior to any transfer, except for deportation purposes, shall consist of proper recording and disposition of Holds/Warrants/Detainers/Notices, proper recording of worktime documentation, and the generation of an updated Legal Status Summary as a result of a work credit gain.

**Three Months Prior to BPH Hearing**

Three months prior to any scheduled BPH hearing, an inmate's C-File shall be audited for accurate computation and recording of the Minimum Eligible Parole Date (MEPD) and any decisions previously made by the BPH.

**[Sections 73010.5 through 73010.6 are unchanged]**

**73010.6.1 Identifying Data**

*Revised February 2008*

Identifying data on the CDC Form 188 shall include, but not be limited to, the following:

**Department Identification Number**

- Show the assigned departmental identification number (CDCR Number).

**Name**

- Commitment Name.
  - The commitment name shall be recorded as reflected on the original Abstract of Judgment/Minute Order by which the inmate was delivered to the custody of the Department.
  - If the Abstract contains two or more names, the first name shown shall be used as the commitment name. If one of the names is documented as the true name, the true name shall be shown as the commitment name.
  - Names on subsequent commitment documents which differ from the original commitment name shall be recorded as Also Committed As (ACA), e.g., Jones, George; ACA: Jones, John.
  - If the individual is received with multiple cases, use the name on the case sentenced the earliest.
  - If the individual is received with cases from multiple counties, use the name on the Abstract prepared by the county which delivered the individual.

**Name Change Procedures**

Subject to Section 1279.5 of the California Code of Civil Procedure, no person under the jurisdiction of the California Department of Corrections and Rehabilitation shall be allowed to file a petition to change his or her name except as permitted by the Department. Delegation of the Secretary's authority to permit an inmate or parolee to file a petition for a change of name has been granted to the Associate Directors (AD) of the DAI and to the Deputy Director of the DAPO. The following procedures shall be followed:

- Each inmate or parolee request for a legal name change shall initially be reviewed and approved or denied by either the responsible Warden or RPA.
- If circumstances do not exist to grant approval, the Warden or RPA shall respond to the inmate or parolee in writing stating the reasons for the denial. A copy of the response shall be placed in the inmate's/parolee's central file.
- If the Warden or RPA determines the request should be granted, the request shall be forwarded to the appropriate AD or to the Deputy Director, DAPO, along with a cover memo stating the reasons for granting the request. A copy of the memo shall be placed in the miscellaneous section of the inmate's/parolee's central file.
- If approved, the AD, DAI, or the Deputy Director, DAPO, shall forward a letter to the court accompanying the inmate's or parolee's request explaining why the Department is recommending approval for the legal name change. A copy of this letter shall be placed in the miscellaneous section of the inmate's or parolee's central file.
- If the AD, DAI, or Deputy Director, DAPO, does not approve the request, a letter will be forwarded to the inmate or parolee stating the reasons for the denial, a copy of which will be placed in the miscellaneous section of the central file.
- When a court ordered name change is received as a result of a department approval, the Correctional Case Records Manager shall notify the facility mailroom and visiting room of the change if the person is an inmate, or the agent of record if a parolee. The court order shall be filed along with the other documents regarding the request for name change in the person's central file.
- The mailroom and visiting room staff of the facility shall update their records to reflect the additional name of the inmate.
- The original commitment name of the inmate or parolee shall remain on all departmental records and shall continue to be used on all department records.
- The new legal name shall be recorded in the OBIS as an "Also Committed As..."
- The inmate shall be notified to inform all persons who may visit or write him/her that they must use the inmate's departmental identification number when using the inmate's new name.
- If an institution or parole office receives a court ordered legal name change that had not been recommended for approval by the Department, but the order was not the result of a successful court challenge against a previous departmental disapproval of the name change, the appropriate Warden or RPA shall forward the order to the Department Secretary or his or her designee for appropriate action pursuant to Section 1279.5 of the Code of Civil Procedure. If an institution or parole office receives a court ordered name change as the result of a successful court challenge against a previous departmental disapproval of the name change, the Warden or RPA shall process the name change in accordance with this section.

#### **Ethnicity**

- Ethnic Group: American Indian, Black, Cambodian, Chinese, Columbian, Cuban, Filipino, Guamanian, Guatemalan, Hawaiian, Indian (from India), Jamaican, Japanese, Korean, Laotian, Mexican, Nicaraguan, Puerto Rican, Salvadorian, Samoan, Thai, Vietnamese, and White (includes Hindu, Portuguese, Spanish, and West Indian).

**[Section 73010.6.2 is unchanged]**

\*

### **73010.6.3 Release Data**

#### **Maximum Release Date**

The Maximum Release Date (MRD) is calculated by adding the controlling term to the term start date, minus preprison custody credits, and plus any dead time (at-large on escape status/while released on appeal bond or bail).

The facility CCRM shall ensure that the MRD is calculated and entered. On manually prepared CDC Form 188s, any subsequent adjustment to the original MRD shall be entered in pencil to permit correction or change.

If one of the controlling offenses is a life term, the maximum release date shall be shown as "to be determined".

If one of the controlling offenses has an ISL sentence, the maximum release date shall be calculated and entered after the BPH has set the term.

#### **Minimum Release Date/MIN DSL/EPRD/MEPD**

An inmate's release date or parole eligibility date may be recorded as a Minimum Determinate Sentence Law (DSL) Release Date (MIN DSL), Earliest Possible Release Date (EPRD), or Minimum Eligible Parole Date (MEPD), depending on the controlling term.

#### **DSL Non-IW/TIP**

Non-IW/TIP DSL terms have a MIN DSL date which is the maximum release date minus goodtime credit plus any credit losses or dead time.

#### **DSL IW/TIP**

IW/TIP DSL terms have an EPRD. The EPRD is the maximum release date minus vested credits, plus credit losses or dead time and less the potential amount of goodtime credit to be earned based upon credit earning status.

Information relating to the IW/TIP is found in DOM 73030.4 and 73030.6.3.

#### **Indeterminate/Life Term**

If one of the controlling offenses has an indeterminate or life term manual entry of the MEPD into OBIS will be made at the time of initial audit, and changed as necessary due to any recalculation.

#### **Parole Period**

The parole period entry shall reflect the maximum parole period required by law (e.g., one year, three years, five years, life).

#### **Sosa Credit**

Any preprison credit in excess of the term assessed for a particular offense must be used to reduce the maximum parole period (In re Sosa (1980) 102 Cal. App. 3d 1002). This entry shall read: " \_\_\_\_\_ years minus \_\_\_\_\_ days In re Sosa". If additional credits are received which are applicable under In re Sosa, the entry shall be changed accordingly.

**[Sections 73010.6.4 through 73010.6.6 are unchanged]**

### **73010.6.7 BPH Hearings**

All BPH hearing dates will be shown by month and year. BPH hearings shall be scheduled as outlined in DOM 74030.

Record the month and year of the scheduled documentation hearing, initial parole consideration hearing and/or BPH review.

**[Sections 73010.6.8 through 73010.6.13 are unchanged]**

#### **73010.6.14 ISL or ISL/DSL Recalculated CS Cases**

The full term for an ISL or ISL/DSL recalculated case sentenced CS to a DSL case shall be recorded and included and/or added as an enhancement to the base term to determine the total term.

The release dates shall be calculated and recorded for the aggregate term.

In these cases, the inmate continues to have eligibility for parole and term setting consideration by the BPH on the ISL Term(s) only.

- If an ISL parole date or discharge date is granted on the ISL term(s) only, the case must be recomputed using the ISL parole or discharge date as the term start date for the DSL term.
- The inmate shall then be scheduled for release on the earliest of the release dates: ISL release date plus the DSL term or the minimum release date on the totally calculated term.

**[Sections 73010.6.15 through 73010.6.15.5 are unchanged]**

#### **73010.6.16 DSL Indeterminate Terms**

Several sentences remain indeterminate since passage of the DSL in 1977. The most common is the one-year-and-one-day sentence.

DSL indeterminate cases will be placed on calendar for an initial parole consideration hearing by the BPH within 120 days of reception into the Department if the MEPD is within 120 days from the reception date. If the MEPD is more than 120 days from reception, the initial hearing shall be scheduled one month prior to the MEPD (BPT 2273).

These cases require special processing following determination by the BPH. The procedures for producing a manually prepared Legal Status Summary as outlined in DOM 73010.6 will be followed.

These procedures shall be followed in preparing, computing, and recording BPH actions for DSL indeterminate terms.

##### **DSL Indeterminate Term Only**

Regular ISL procedures shall be followed using the BPT Form 1010 for recording the determination and making the period of confinement computation.

##### **DSL Indeterminate Controlling Commitment with DSL Term**

If the minimum release date for the DSL term is later than the statutory maximum for the DSL indeterminate term, no BPH parole hearing is required. If the DSL minimum is earlier than the maximum term for the indeterminate offense, the inmate shall be scheduled for an ISL parole hearing. The later release date shall be the controlling release date.

##### **DSL Indeterminate Controlling Commitment with ISL Term**

Regular ISL procedures shall be followed using the BPT Form 1010 for recording the determination and making the period of confinement computation. In addition, a PC 1170.2(a) recalculation shall be made for the ISL terms.

##### **DSL Indeterminate CS with DSL Term**

Schedule the DSL indeterminate case for the first available ISL parole consideration hearing for determination of the indeterminate case only. A BPT Form 1010 shall be used for this determination. The reception date for the ISL computation shall be the date originally received on the offenses involved.

The release date for the DSL indeterminate offense shall be the term start date on the DSL term. A DSL computation shall then be completed for the remaining DSL term.

##### **DSL Indeterminate CS with ISL Term**

Schedule an ISL parole consideration hearing on the first available ISL hearing calendar. The ISL portion of the BPH determination shall be processed in accordance with existing ISL hearing procedures.

### **Combined DSL Recalculation and ISL Hearing for the DSL Indeterminate Case**

During the ISL parole consideration hearing, the BPH hearing panel shall enter in the comments section of the BPT Form 1010, a determination of the amount of time assessed for the DSL indeterminate offense for the purpose of determining the CS factor of the recalculation.

A separate BPT Form 1010 shall be used by the specialist to compute the release date for the DSL indeterminate case. This BPT Form 1010 shall be attached to the original form with a notation, "see ISL BPT Form 1010 dated \_\_\_\_\_".

This release date shall be used as the term start date in the computation on the CDC Form 678, Confinement Computation, for the recalculation of the remaining counts or cases.

A PC 1170.2(b) (extended term) screening shall be made at the time of initial processing to ensure completion prior to 90 days after receipt.

Upon completion of the recalculation of the counts or cases, the CDC Form 678 shall be presented to a BPH panel for signature.

### **73010.6.17 Determinate One-Year-and-One-Day Terms**

PC 4532(a), Escape From County Jail Without Force, where the crime was committed on or after 1-1-85, has a determinate sentence of one year and one day.

The procedure for producing a manual face sheet as outlined in DOM 73010.6 shall be followed except for DOM 73010.6.3, Release Data. Release dates shall not be calculated by the LPU on these cases. The specialist at the institution housing the inmate shall compute the release date upon receipt of the manual face sheet.

No referral to the BPH is required and those cases are calculated in the same manner as for other DSL terms.

**[Sections 73010.6.18 through 73010.11.1 are unchanged]**

### **73010.12 Revisions**

The Director, Division of Adult Institutions, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

### **73010.13 References**

BPH Rule 2273.

In re Sosa (102 Cal App 3d, 1980).

People v. McCarthy (32 Cal 3d 388, 1982).

In re Haygood (769 Cal 2d 1350, 1985).

H&SC §§ 11361.5, 11370.2, 11370.4, 11379.8, and 11590.

PC §§ 290, 290.2, 451, 453, 457.1, 669, 1170, 1170.1, 1170.2, 1203.01, 1203.03, 1258, 1375.5, 2900.1, 2900.5, 2931, 3002, 3046, 3058.6, 3058.8, 4019, 4532(a), 11120 - 11126, 11150, 12022, and 12022.2 - 12022.9.

Code of Civil Procedure Section 1279.5